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In re Application of
Hari Kalva et al.
Application No. 09/240,509
Filed: January 29, 1999
Attorney Docket No. AP31569

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed July 14, 2000, to revive the above-identified application.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Application ("Notice") mailed February 22, 1999. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on April 23, 1999.

The statement of unintentional delay presented in the petition does not comply with the current rule. Effective December 1, 1997, 37 C.F.R. §1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. §1.137(b) was unintentional" be submitted. However, the statement presented will be accepted and construed as meaning that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. §1.137(b) was unintentional." If this is an incorrect interpretation in view of the rules, petitioner is required to provide a statement to that effect.

All requirements for the filing of a grantable petition under 37 C.F.R. §1.137(b) have been met. Therefore, this petition is GRANTED.

The required petition fee of six hundred five dollars (\$605.00) will be charged to Deposit Account No. 02-4377 as per your authorization of July 14, 2000. Additionally, the late filing fee surcharge of sixty five dollars (\$65.00) will be charged to Deposit Account No. 02-4377 as per your authorization of December 3, 1999.

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This file is being forwarded to the Office of Initial Patent Examination for processing.

Telephone inquiries concerning this matter should be directed to Petitions Attorney Nelson B. Snyder III at (703) 305-0011.



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Office of the Deputy Commissioner
for Patent Examination Policy